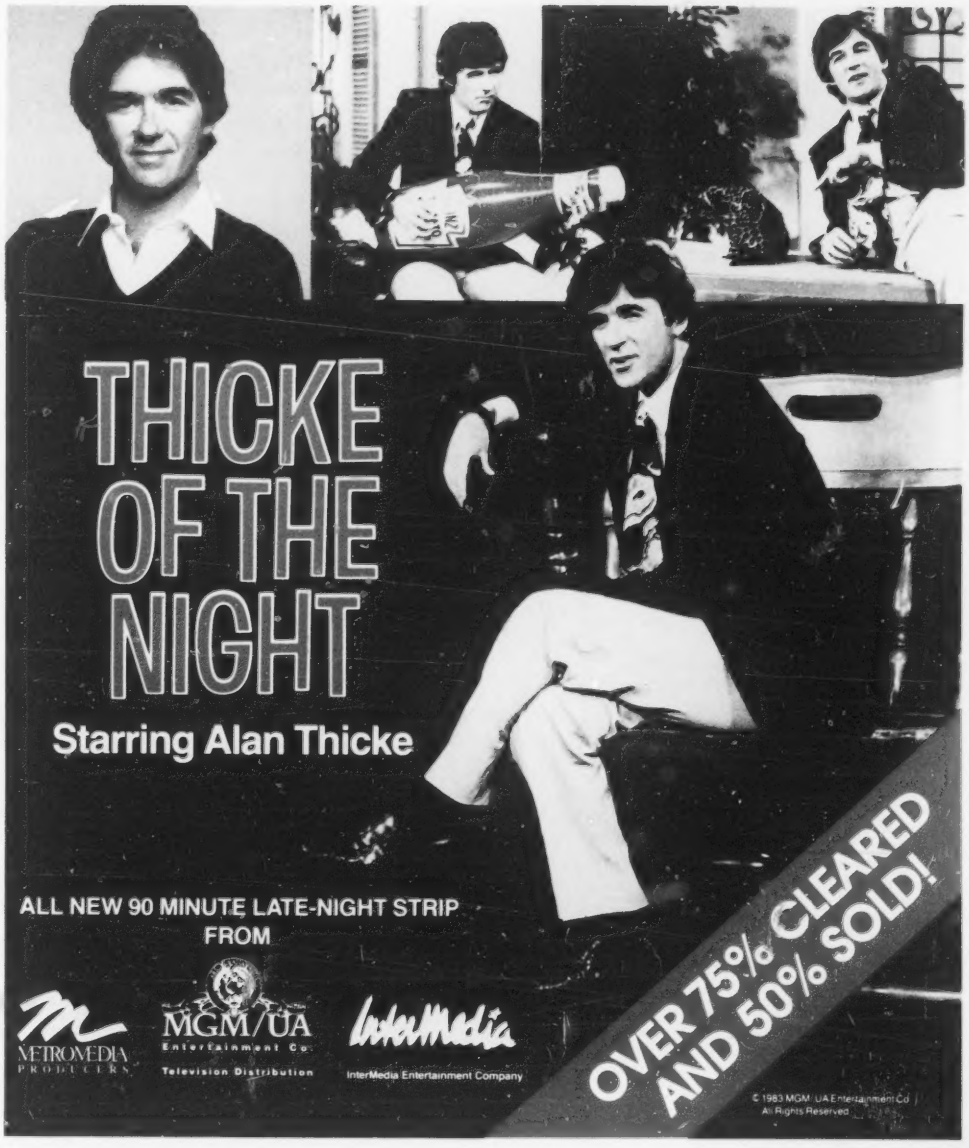
The Fifth Estate

RADIO TELEVISION CABLE SATELLITE

Broadcasting May 30



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Deregulation back on track in House □ FM, MDS expansionism □ The first May sweeps

Vol. 104 No. 22

Broadcasting May 30

FCC expands FM and MDS allocations □ Broadcast deregulation process begins; Swift's quantification measure keys compromise □ NBC sweeps □ CBS affiliates celebrate

MARKETPLACE MANIA □ Most proposals in FCC docket 80-90 are passed by commission, which could add up to 1,000 stations to FM pool. **PAGE 31.**

MDS FLOODGATES □ FCC opens ITFS channels to multipoint distribution service expansion, although it grandfathers existing ITFS grants. **PAGE 32.**

BACK ON TRACK □ House holds deregulation hearing, with Wirth back in control of the subcommittee and the process with a mandate to bring in a bill by Oct. 15. **PAGE 33.**

SWIFT AT CENTER STAGE □ Washington Democrat knew the time would come for broadcast deregulation and, specifically, the kind of compromise which included his brainchild, quantification. **PAGE 35.**

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MUST CARRY MUST □ Petition by Turner Broadcasting to drop must carry rules is booed loudly by most commenters in FCC rulemaking. **PAGE 53.**

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CORRESPONDENT COMEBACK □ The birth of the Cable News Network gave a veteran journalist a chance to reclaim his position among investigative reporters. Daniel Schorr has both reasserted that position and contributed to the respectability of Ted Turner's 24-hour news operation. **PAGE 87.**

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New trial sought by Multimedia in Donahue case

Producer says $5.9-million award to woman whose son was kidnapped by father was result of 'prejudice'; claims talk show host acted in accord with journalistic standards

The producer of *Donahue* is seeking a new trial of the charges that Phil Donahue was guilty of violating "the parent-child relationship" and of "outrageous conduct" when he kept a commitment to a guest on two of his programs instead of helping a mother recover her abducted child. A U.S. district court jury in Denver two weeks ago concluded that the conduct merited payment of damages to the mother of $5.9 million—an amount that attorneys for the producer, in requesting a new trial, said "is excessive and clearly the result of passion and prejudice."

The attorneys for Multimedia Program Productions Inc., Thomas B. Kelley and Frank R. Kennedy, also argue that the court had excluded evidence concerning journalistic standards that was relevent to issues in the case. They said "eminently qualified experts" had been prepared to testify that Donahue had acted in accord with journalistic standards that had been developed "in the public interest."

The request for a new trial was filed with the court in Denver on Monday, less than a week after the 6-year-old boy in the case was recovered, in Tulsa, Okla., and returned to his mother, Willow Lynne Cramlet, who lives in Arvada, Colo. (BROADCASTING, May 23). That development was cited as "newly discovered evidence" warranting a new trial as well, in another motion, as a reason for relief from the judgment.

The case grows out of a piece Donahue did, in two segments, for the *Today* show, in April 1980, on parents who kidnap their children. Wayne R. Anderson appeared in the segments to discuss the reasons he had abducted his son, Eland, then 3, who had been living with his mother, from whom Anderson was divorced.

Anderson, who was being sought by authorities on charges of violating the custody award to the mother, had contacted Donahue's staff and offered to participate in the program on the condition he appear in disguise and under an assumed name. Anderson also asked that someone take care of his boy, with whom he would be traveling, during the taping. Donahue agreed to the terms; his secretary took care of the boy, at Donahue's office at WGN-TV Chicago, while the father was being interviewed across town, at the NBC studios.

Despite the disguise, Cramlet recognized her ex-husband and notified authorities in Colorado, who called Donahue to ask for assistance in finding Anderson. Donahue staff members said they did not know his whereabouts—he had dealt with them by telephone or through his mother. When Cramlet called, they said all information regarding guests was confidential.

Her response was to bring a suit that resulted in two trials. In the first, her principal allegations were that Donahue had not cooperated with the Colorado authorities. That trial ended in a hung jury—according to one unconfirmed report, the six-member jury divided, 5-1, in favor of Donahue. In the second trial, she contended that Donahue's failure to turn the boy over to authorities when he was in his custody—instead of returning

Ratings Roundup

Repeats, specials and repeated specials dominated the TV networks' prime time schedules for the week ended May 22, and ABC again came out ahead in the Nielsen numbers, averaging a 15.4 rating/26.3 share to CBS's 14.9/25.7 and NBC's 13.6/23.3. CBS won Thursday, Friday and Sunday nights, while NBC took Monday and Tuesday and ABC took Wednesday and Saturday.

A two-hour special, *Motown 25 Years*, did the trick for NBC on Monday night scoring 22.8/35 and winning first place for the week. President Reagan's news conference Tuesday night sent all three networks into overtime, lapping into affiliates' late news periods; CBS's repeat of its once-controversial *Playing for Time*, which ran to 11:38 p.m. NYT, managed only a 12.6/21, leaving CBS in third place for the night, which NBC won primarily with repeats of *A Team* (18.8/30) and *Remington Steele* (15.9/25). Wednesday had two-hour specials head to head on ABC and CBS, with ABC's *Travis McGee*, outpointing CBS's, *Country Comes Home*, by 17.3/28 to 15.2/25.

Thursday night had an *I Love TV Test* special on ABC (13.6/24), but repeats of *Magnum P.I.* (19.2/32) and *Simon and Simon* (14.7/26) took the night for CBS while repeats of NBC's regular schedule took second place by a tenth of a rating point over ABC. Friday was the lowest rated night of the week—CBS winning with a12.4/22.6 to NBC's 12.3/22.5 and ABC's 12/21.8.

The First 20

1.	*Motown 25 Years*	NBC	22.8/35
2.	*Alice*	CBS	21.0/33
3.	*Hollywood's Private Home Movies*	ABC	20.7/36
4.	*Magnum, P.I.*	CBS	19.2/32
5.	*Love Boat*	ABC	19.1/35
6.	*A Team*	NBC	18.8/30
7.	*60 Minutes*	CBS	18.5/37
8.	*Jeffersons*	CBS	18.4/30
9.	*Trapper John, M.D.*	CBS	18.2/32
10.	*Hart to Hart*	ABC	17.4/30
11.	*ABC Movie Special*—"Travis McGee"	ABC	17.3/28
12.	*9 to 5*	ABC	17.1/27
13.	*Parade of Stars*	ABC	16.8/28
14.	*Charlie Brown Special*	CBS	16.7/27
15.	*One Day at a Time*	CBS	16.5/25
16.	*Three's Company*	ABC	16.4/26
17.	*Hill Street Blues*	NBC	16.3/28
18.	*ABC Monday Night Movie*—"Death on the Nile"	ABC	16.0/25
19.	*Remington Steele*	NBC	15.9/25
20.	*Knight Rider*	NBC	15.8/27

The Final Five

58.	*New Odd Couple*	ABC	9.2/18
59.	*At Ease*	ABC	8.5/16
60.	*Teachers Only*	NBC	7.7/14
61.	*Small World*	NBC	6.4/13
62.	*Monitor*	NBC	5.8/11

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continued from page 72

■ WOKG (1570 khz) Warren, Ohio—Seeks CP to change frequency to 830 kw; change power to 5 kw and make changes in ant. sys. Major environmental action under section 1.1305. Ann. May 12.

Accepted

■ WSHN (1550 khz) Fremont, Mich.—Seeks CP to make change in antenna system and to increase height. Ann. May 11.

■ WECP (1080 khz) Carthage, Miss.—Seeks CP to make changes in antenna system. Ann. May 11.

■ WNYC (830 khz) New York—Seeks modification of license to change SL and to operate transmission by R.C. from proposed S.L. Ann. May 18.

■ KYJC (1380 khz) Medford, Ore.—Seeks MP (BP-781011AA) to make changes in nighttime standard radiation pattern. Ann. May 12.

■ WNAM (1280 khz) Neenah-Menasha, Wis.—Seeks MP (BP-810225AN, as mod.) to increase RMS of nighttime pattern. Ann. May 11.

FM applications

Tendered

■ KEZQ (100.3 mhz) Jacksonville, Ark.—Seeks CP to change HAAT to 504 ft. Major environmental action under section 1.1305. Ann. May 9.

■ KWSB-FM (91.1 mhz) Gunnison, Colo.—Seeks CP to change frequency to 91.1 mhz., change TL; change ERP to 1340 w and make changes in ant. sys. Ann. May 2.

■ WFUZ (93.7 mhz) Ocala, Fla.—Seeks CP to change HAAT to 540 ft. Major environmental action under section 1.1305. Ann. May 19.

■ WWGC (90.7 mhz) Carrollton, Ga.—Seeks CP to change TL.; chage ERP to 500 w; change HAAT to 494 ft. and make changes in ant. sys. Ann. May. 16.

■ WRVG-FM (89.9 mhz) Georgetown, Ky.—Seeks to change frequency to 89.9 mhz. Ann. May 16.

■ *WSCC-FM (92.1 mhz) Somerset, Ky.—Seeks CP to change frequency to 92.1 mhz. Ann. May 10.

■ WEGS (95.3 mhz) Gaylord, Mich.—Seeks modification of CP (BPH-821102AA) to change TL; change HAAT to 325 ft., and make changes in ant. sys. Ann. May 9.

■ WMGM (103.7 mhz) Atlantic City, N.J.—Seeks CP to change ERP to 50 kw and change HAAT to 347 ft. Ann. May 2.

■ WAYZ-FM (101.5 mhz) Waynesboro, Pa.—Seeks CP to change ERP to 50 kw and make changes in ant. sys. Ann. May 16.

■ KIPR-FM (95.5 mhz) Diboli, Tex.—Seeks CP to change TL; change ERP to 100 kw; change HAAT to 521.93 ft. and make changes in ant. sys. Major environmental action under section 1.1305. Ann. May 16.

Accepted

■ KUUZ (95.9 mhz) Lake Village, Ark.—Seeks waiver of section 7391201 (B)(2) of rules to identify as "Greenville, Miss." Ann. May 12.

■ KEWB (94.3 mhz) Anderson, Calif.—Seeks waiver of section 73.1201 (B)(2) of rules to identify as "Kewb Anderson-Redding." Ann. May 12.

■ KGBA-FM (100.1 mhz) Holtville, Calif.—Seeks waiver of section 73.1201 (B)(2) of rules to identify as "Holtville-EL Centro, Calif." Ann. May 4.

■ KOKQ (95.1 mhz) Oakdale, Calif.—Seeks CP to decrease ERP to to 32.3 kw; increase HAAT to 620.1 ft. Ann. May 4.

■ KSHA (104.3 mhz) Redding, Calif.—Seeks CP to make changes in antenna system and increase ERP to 100 kw. Ann. May 2.

■ KVRE-FM (101.7 mhz) Santa Rosa, Calif.—Seeks CP to make changes in antenna system; decrease ERP to 3 kw; decrease HAAT to 300 ft., and change TL. Ann. May 11.

■ KJAX (99.3 mhz) Stockton, Calif.—Seeks CP to make changes in antenna system; increase ERP to 2.63 kw, and increase HAAT to 331 ft. Ann. May 13.

■ WMKM (105.5 mhz) St. Augustine, Fla.—Seeks CP to make changes in antenna system; decrease ERP to 2 kw and increase HAAT to 378 ft. Ann. May 12.

■ WSBI-FM (100.7 mhz) Brunswick, Ga.—Seeks waiver of section 73.1301 (b)(2) of rules to identify as "Brunswick-St. Simons Island, Ga." Ann. May 2.

■ WWLT (106.7 mhz) Gainesville, Ga.—Seeks waiver o section 73.1201 (B)(2) of rules to identify as "Gainesville-North Atlanta. Ann. May 5.

■ KABI-FM (98.3 mhz) Abilene, Kan.—Seeks CP to make changes in ant. sys.; change frequency to 98.5; change TL; increase ERP to 100 kw; increase HAAT to 443 ft., new coordinates. Ann. May 18.

■ WSHN-FM (100.1 mhz) Fremont, Mich.—Seeks CP to make changes in antenna system; decrease ERP to 2 kw, and increase HAAT to 355 ft. Ann. May 13.

■ KOOZ (106.3 mhz) Great Falls, Mont.—Seeks CP to make changes in antenna system; change frequency to 106.1 mhz, and increase ERP to 30 kw. Ann. May 13.

■ WDHA-FM (105.5 mhz) Dover, N.J.—Seeks CP to make changes in antenna system; decrease ERP to .8 kw, and increase HAAT to 1,168 ft. Ann. May 11.

■ WCMF (96.5 mhz) Rochester, N.Y.—Seeks CP to make changes in ant. sys. and increase ERP to 50 kw. Ann. May 16.

■ WUUU (102.5 mhz) Rome, N.Y.—Seeks waiver of section 73.1201 (B)(2) of rules to identify as "Rome-Utica." Ann. May 5.

■ KIZZ (93.7 mhz) Minot, N.D.—Seeks CP to make changes in ant. sys.; increase ERP to 98 kw and decrease HAAT to 565 ft. Ann. May 20.

■ WSEG (102.3 mhz) Erie, Pa.—Seeks CP to make changes in ant. sys.; change TL. Ann. May 18.

WANB-FM (103.1 mhz) Waynesburg, Pa.—Seeks CP to make changes in antenna system and install new antenna. Ann. May 10.

■ WASL (100.1 mhz) Dyersburg, Tenn.—Seeks CP to make changes in antenna system and increase ERP to 3 kw. Ann. May 12.

■ KLOZ (102.1 mhz) El Paso, Tex.—Seeks CP to make changes in antenna system; change TPO; increase ERP to 100 kw, and increase HAAT to 1,190 ft. Ann. May 4.

■ KRLY (93.7 mhz) Houston—Seeks CP to make changes in ant. sys.; increase HAAT to 1,779 ft. and new coordinates. Ann. May 17.

■ KISS (99.5 mhz) San Antonio, Tex.—Seeks CP to make changes in ant. sys.; change TL; decrease ERP to 97 kw; decrease HAAT to 1,480 ft., new coordinates. Ann. May 18.

■ ■ KPCQ-FM (92.9 mhz) Powell, Wyo.—Seeks waiver of section 73.1201 (B)(2) of rules to identify as "Powell-Cody." Ann. May 12.

TV applications

Tendered

■ KHBS (ch. 40) Fort Smith, Ark.—Seeks CP to change ERP to 3,160 kw vis., 316 kw aur.; change HAAT to 2,000 ft., and change TL. Ann. May 12.

■ KHAI-TV (ch. 20) Honolulu—Seeks amendment to change ERP to 538 kw vis., 53.8 kw aur., change HAAT to minus 150 ft.; change TL. Received May 19.

Summary of broadcasting as of March 31, 1983

Service	Licenses	CP's	Total *
Commercial AM	4,708	149	4,857
Commercial FM	3,421	391	3,812
Educational FM	1,090	162	1,252
FM translators	609	288	897
Commercial VHF TV	527	14	541
Commercial UHF TV	307	166	473
Educational VHF TV	111	0	117
Educational UHF TV	175	14	189
VHF LPTV	152	89	241
UHF LPTV	21	72	93
VHF translators	2,784	254	3,038
UHF translators	1,772	403	2,175
ITFS	244	89	333
Low-power auxiliary	812	0	812
TV auxiliaries	7,260	205	7,465
UHF translator/boosters	6	0	6
Experimental TV	3	5	8
Remote pickup	12,159	53	12,212
Aural STL & intercity relay	2,749	166	2,915

* Includes off-air licenses

■ WKMJ-TV (ch. 68) Louisville, Ky.—Seeks CP to replace ant. sys. Ann. May 18.

■ *KOAP-TV (ch. 10) Portland, Ore.—Seeks MP to change ERP to 316 kw vis., 3.16 aur.; change HAAT to 1,740 ft.; change TL and change ant. sys. Ann. May 20.

■ WERF (ch. 56) Scranton, Pa.—Seeks MP (BPCT-801121KL) to change ERP to 3,653 kw vis., 365.3 kw aur.; change HAAT to 1,627 ft. and change TL. Ann. May 12.

■ WCCT-TV (ch. 57) Columbia, S.C.—Seeks CP to change ERP to 637 kw vis., 63.7 kw aur.; change HAAT to 582 ft. and change direction to nondirectional ant. sys. Ann. May 18.

Accepted

■ KTVJ (ch. 14) Boulder, Colo.—Seeks MP (BPCT-790130KS) to change ERP to 5,000 kw vis., 500 kw aur.; change TL. and change HAAT to 996 ft. Ann. May 10.

■ *WLAE-TV (ch. 32) New Orleans, La.—Seeks MP (BPCT-810710KG, as mod.) to change ERP to 2,290 kw vis., 229 kw aur. and change TL. Ann. May 10.

■ KVNJ-TV (ch. 15) Fargo, N.D.—Seeks MP (BPCT-811125KK, as mod.) to request dual city identification as "Fargo-Moorhead," N.D. Ann. May 12.

■ KBVO-TV (ch. 42) Austin, Tex.—Seeks MP (BPCT-791025KF) to change ERP to 2,510 kw vis. and 251 kw aur. and correct geographic coordination and site elevation and change HAAT to 1,290 ft. Ann. May 5.

■ WCIX-TV (ch. 6) Miami—Seeks CP to change HAAT to 1,802 ft. Ann. May 16.

■ WQTV (ch. 68) Boston—Seeks CP to change ERP to 1,337 kw vis., 200 kw aur., and change HAAT to 773 ft. Ann. May 17.

AM actions

■ KYDE (1590 khz) Pine Bluff, Ark.—Granted CP to change hours of operation to unlimited by adding night power with 5 kw; increase day power to 5 kw; install DA-N, and make changes in ant. sys. Major environmental action under section 1.1305. Action April 22.

■ KFMB (760 khz) San Diego—Returned CP to increase day and nighttime power to 50 kw, and install DA-N. Action April 29.

■ KDKO (1510 khz) Littleton, Colo.—Granted MP (BP820802AM) to change TL. Action April 20.

■ WORL (1270 khz) Eatonville, Fla.—Granted application to change SL; change hours of operation to unlimited by adding nighttime service with 5 kw DA-N and make changes in ant. sys. Major environmental action under conditions. Action April 5.

■ WWBC (1510 khz) Rockledge, Fla.—Granted CP to change hours of operation to nighttime service with 500 w, DA-2; increase daytime power to 5 kw, and change city of license to Rockledge, Fla. Action April 25.

■ WJNO (1230 khz) West Palm Beach, Fla.—Denied CP to change city of license to Palm Beach, Fla.; change frequency to 1040 khz; increase day power to 10 kw and night power to 1 kw; install DA-N, and change TL. Major environmental action under section 1.1305. Action May 5.

■ WAEC (860 khz) Atlanta—Granted CP to increase power to 5 kw. Action May 16.

■ WPPI (1330 khz) Carrollton, Ga.—Dismissed application for CP to change frequency to 1100 khz and change power to 1 kw; requesting facilities of WLBB(AM) Carrollton. Action April 24.

■ WDGR (1520 khz) Dahlonega, Ga.—Granted CP to change frequency to 1210 khz and increase power to 10 kw/2.5 kw (CH) and make changes in ant. sys. Action April 19.

■ WIZY (1560 khz) Gordon, Ga.—Granted CP to change frequency to 1120 khz and change to non-DA. Action April 27.

■ WLTH (1370 khz) Gary, Ind.—Granted modification of CP (BP-20466, as mod.) to make changes in TL (nighttime site only). Action April 20.

■ KLNI (1380 khz) Pearl City, Hawaii—Granted modification of CP (BP-790330AA) to change TL. Action May 6.

■ KADR (1400 khz) Elkader, Iowa—Granted MP (BP-820628BA) to change SL; and request waiver of section 73.1125. Action April 21.

■ KIXL (970 khz) Austin, Tex.—Granted CP to change city of license to Del-Valle, Tex.; change hours of operation to unlimited by adding night service with 1 kw; install DA-2, and make changes in ant. sys. Major environmental action under section 1.1305. Action April 22.

■ WOMT (1240 khz) Manitowoc, Wis.—Dismissed CP to make changes in ant. sys. and to change TL. Action April 20.